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In re Application of:  
HUDGEONS, Brandon, et al.  
U.S. Application No.: 10/516,724  
Int'l Application No: PCT/US03/13745  
Int'l Filing Date: 01 May 2003  
Priority Date: 01 May 2002  
Atty Docket No.: 1590.00002  
For: INTERACTIVE MULTI-MEDIA  
SYSTEM

DECISION ON PETITION  
(37 CFR 1.137(b))

This decision is issued in response to applicants' petition for revival under 37 CFR 1.137(b), filed 27 March 2008. Applicants have paid the required petition fee.

**BACKGROUND**

On 08 March 2006, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required. The Notification set forth an extendable two-month response period, and indicated that the failure to file a timely response would result in abandonment.

Applicants did not file a response to the Notification Of Missing Requirements during the extendable response period. Accordingly, the present application became abandoned at midnight on 08 May 2006.

On 14 November 2007, the DO/EO/US mailed a "Notification Of Abandonment" (Form DO/EO/909) confirming the abandonment of the present application.

On 27 March 2008, applicants filed the petition for revival under 37 CFR 1.137(b) considered herein.

**DISCUSSION**

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law;

(3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). The present petition fails to satisfy item (1).

With respect to item (1), the "required reply" here is a proper response to the Notification Of Missing Requirements mailed 08 March 2006, that is, an oath or declaration acceptable under 37 CFR 1.497. Applicants' present petition includes an executed declaration document. However, the declaration is not acceptable in that it appears to be a compilation of multiple documents. See MPEP section 201.03(II)(B): "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration." The compilation is evident from the fact that the six-page declaration includes one copy each of page 1, 2, and 4, but three different copies of page 3 (each of these copies has been executed by a different inventor, and the copy of page executed by inventor Marcus SHAFTEL lists different inventors than the other two copies of page 3). Applicants must provide complete copies of acceptable declarations executed by each of the inventors. Until such materials are provided, the "required reply" has not been submitted.

### CONCLUSION

Applicants' petition for revival under 37 CFR 1.137(b) is **DISMISSED** without prejudice for failure to satisfy all the requirements of a grantable petition.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any request for reconsideration should be entitled "Renewed Petition Under 37 CFR 1.137(b)" and it must include the materials required to complete the "required reply," that is, complete declarations executed by each of the inventors of record, in compliance with 37 CFR 1.497.

No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration



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